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8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
13 Against:

14 JEAN MARIE SWAN
248 Military West
15 Benicia CA 94510

16 Physical Therapist License No. PT 9262

Respondent.

Case No. 1D 2002 63113

**STIPULATION TO
REVOCATION OF LICENSE
AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
22 Therapy Board of California. He brought this action solely in his official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Catherine E. Santillan, Senior Legal Analyst.

25 2. Jean Marie Swan (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about August 15, 1979, the Physical Therapy Board of California
28 issued Physical Therapist License No. PT 9262 to Jean Marie Swan (Respondent). The License

1 was in full force and effect at all times relevant to the charges brought in Petition to Revoke
2 Probation No. 1D 2006 64788 and will expire on May 31, 2007, unless renewed.

3 JURISDICTION

4 4. Petition to Revoke Probation No. 1D 2002 63113 was filed before the
5 Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently
6 pending against Respondent. The Petition to Revoke Probation and all other statutorily required
7 documents were properly served on Respondent on March 20, 2007. Respondent has not filed
8 her Notice of Defense contesting the Petition to Revoke Probation because she does not want a
9 hearing in the matter. A copy of Petition to Revoke Probation No. 1D 2002 63113 is attached as
10 exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations
13 in Petition to Revoke Probation No. 1D 2002 63113. Respondent also has carefully read, and
14 fully understands the effects of this Stipulation to Revocation of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to
17 be represented by counsel, at her own expense; the right to confront and cross-examine the
18 witnesses against her; the right to present evidence and to testify on her own behalf; the right to
19 the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Petition to Revoke Probation No. 1D 2002 63113, agrees that cause exists for discipline and
27 hereby agrees to this stipulation for revocation of her Physical Therapist License No. PT 9262
28 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the Stipulation to Revocation of her Physical Therapist License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulation to Revocation of License and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulation to Revocation of License, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. PT 9262 issued to Respondent Jean Marie Swan is revoked and the Stipulation to Revocation of License is accepted by the Physical Therapy Board of California.

13. The Stipulation to Revocation of License and the acceptance of the license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with

1 the Board.

2 14. Respondent shall lose all rights and privileges as a physical therapist in
3 California as of the effective date of the Board's Decision and Order.

4 15. Respondent shall cause to be delivered to the Board both her wall and
5 pocket license certificate on or before the effective date of the Decision and Order.

6 16. Respondent fully understands and agrees that if she ever files an
7 application for licensure or a petition for reinstatement in the State of California, the Board shall
8 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
9 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
10 and all of the charges and allegations contained in Petition to Revoke Probation No. 1D 2002
11 63113 shall be deemed to be true, correct and admitted by Respondent when the Board
12 determines whether to grant or deny the petition.

13 ACCEPTANCE

14 I have carefully read the Stipulation to Revocation of License. I understand the
15 stipulation and the effect it will have on my Physical Therapist License. I enter into this
16 Stipulation to Revocation of License and Order voluntarily, knowingly, and intelligently, and
17 agree to be bound by the Decision and Order of the Physical Therapy Board of California.

18 DATED: April 18, 2007.

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20 Original Signed By:
21 JEAN MARIE SWAN
Respondent

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ENDORSEMENT

The foregoing Stipulation to Revocation of License and Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: May 2, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

JOSE R. GUERRERO
Supervising Deputy Attorney General

Original Signed By:
CATHERINE E. SANTILLAN
Senior Legal Analyst

Attorneys for Complainant

DOJ Matter ID: SF2007400276
Swan Stipulated Decision (Corrected).wpd

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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

Case No. 1D 2002 63113

JEAN MARIE SWAN
248 Military Way
Benicia CA 94510

Physical Therapist License No. PT 9262

Respondent.

DECISION AND ORDER

The attached Stipulation to Revocation of License and Order is hereby adopted by
the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in
this matter.

This Decision shall become effective on June 30, 2007.

It is so ORDERED May 31, 2007.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Nancy Krueger, PT, President